

REMARKS

Interview Summary

Applicants' attorney, Matthias Abrell, requested and conducted an telephonic interview with examiner Árpád Kovács on August 17, 2005. Claim 1 was discussed in detail, with claims 9 and 16 receiving a cursory review. Specifically, applicants requested a clarification of where the recitation "a paddle assembly having...a plurality of paddles...each paddle having a bottom wall and...a pair of side walls that in combination with the bottom wall define an open region," as is recited in claim 1, is taught or suggested by the cited references, with particular emphasis on U.S. Patent 4,190,972 (Berner). In conjunction with the above recitation, the applicants argued that the paddles have been designed for scooping particulate matter, such as grain, which is different in both structure and function to the snow throwers/removers disclosed in the cited references. The examiner agreed that the cited references did not disclose the above limitations, and stated that he would have to conduct another search before allowing the case.

Response to the §102 rejections

Claims 1, 4-5, 7-12, 14-20, and 22-23 were rejected under 35 U.S.C. 102 (b) as anticipated by *Berner*. Claims 1, 9, and 16 each recite a plurality of paddles wherein each paddle includes a bottom wall and a pair of side walls that in combination define an open region. Applicants respectfully submit that *Berner* fails to disclose each and every element of the claims and, therefore, fails to anticipate the rejected claims.¹

Berner discloses a snow remover that includes an elongate hollow cylindrical rotor 10, a pair of blade holders 11, and elongate snow removal paddles or blades 12 which are removably fastened to the blade holders 11 by fasteners 13. The pair of blade holders 11 are integrally formed with the rotor 10, and are diametrically opposed spaced apart on the rotor 10. (Column 3, lines 5-11). In contrast to the present application, however, the paddles in

¹ "Anticipation under 35 U.S.C. § 102 requires the disclosure in a single piece of prior art of each and every limitation of a claimed invention." *Rockwell International Corp. v. United States*, 47 USPQ2d 1027 (Fed. Cir. 1998).

Berner do not include a bottom wall and a pair of side walls that in combination define an open region, as is recited in the claims.

The applicants, therefore, respectfully submit that the anticipation rejection of claims 1, 9, and 16 and their respective dependent claims should be withdrawn.

Response to the §103 rejections

As a result of the above arguments, the §103 rejections of claims 2, 3, 6, 13, and 21 are moot. The applicants, therefore, respectfully submit that the obviousness rejections should be withdrawn.

In light of the foregoing, the prompt issuance of a notice of allowance is respectfully solicited. Should the examiner have any questions, he is respectfully invited to telephone the undersigned.

Respectfully submitted,

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By:



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